

DOCKET NO.: **03-0005/0595USAP135730
Application No.: 10/500,854
Office Action Dated: June 16, 2008

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

REMARKS

In the Action mailed June 16, 2008, the Office alleged that the title is not descriptive. The Office rejected claims 1-7, 15-23, 31-48 and 51 as allegedly being obvious over USP No. 5,101,437 to Plamondon ("Plamondon") in view of USP No. 6,157,731 to Hu et al. ("Hu"). The Office rejected claims 8-11, 24-27, and 52-54 as allegedly being obvious over Plamondon in view of Hu in further view of USP No. 4,805,222 to Young et al. ("Young").

The Applicants respectfully traverse all rejections and request continued examination of the application. The Examiner is invited to contact the undersigned representative to discuss the remarks provided herein.

SPECIFICATION

The Office stated that the title is not descriptive. The Applicants have amended, without disclaimer or prejudice, the title as requested by the Office. The Applicants assert that the present amendment is only to traverse the objection of the title and should not be viewed as any disclaimer of any subject matter.

The Applicants respectfully request that the Office reconsider and withdraw the request for a new title.

CLAIM REJECTIONS UNDER § 103

The Office rejected claims 1-7, 15-23, 31-48, and 51 under § 103 as allegedly being obvious over Plamondon in view of Hu. The Applicants incorporate the remarks provided in prior Office Action responses with regards to the application of Plamondon. Additionally, the Applicants assert that the newly cited reference, Hu, also fails to disclose the recitations as alleged by the Office.

Independent claims 1, 17, 33, 38, 43 and 48

The Applicants further assert that the Office erred in the application of Hu to certain recitations of independent claims 1, 17, 33, 38, 43, and 48. Namely, the Office asserts that Hu discloses the following recitations (claim 1 used for exemplary purposes):

“normalization means for normalizing the signature trace based upon a time to obtain a normalized signature trace”

and

“a second extraction means for extracting angle and distance data relating to different parts of the normalized signature trace”

As best understood, Hu fails to disclose normalizing the signature based upon time. In the Action, the Office attempts to support the error by citing a specific portion of Hu. (Hu: col. 3, lines 1-9, “...processing the raw signature data, thereby to produce smoothed and normalize signature data.”). The normalization technique disclosed by Hu is to “remove the effects of translation, rotation, and scale change from signature.” (Hu: col. 5, lines 49-51). Although Hu failed to define the terms “translation”, “rotation” and “scale”, when placed in context of the manner in which Hu is describing the method of normalization, as best understood, those terms are used to describe spatial, not temporal as claimed in claim 1, corrections of the data obtained from a signature trace. Thus, as best understood, Hu is normalizing signature data spatially rather than temporally. Thus, it follows that Hu does not disclose the claim recitation, “normalizing the signature based upon a time”, as recited in claims 1, 17, 33, 38, 43, and 48.

Further, the Office also erred in applying Hu in the allegation that Hu discloses the claim recitation of “a second extraction means for extracting angle and distance data relating to different parts of the normalized signature trace.” As discussed previously, because Hu fails to disclose normalizing a signature based upon time, it follows that Hu also fails to disclose the recitation of extracting angle and distance data relating to...the normalized signature trace.

Claims 1, 17, 38, and 44 have been amended, without disclaimer or prejudice, to further include the recitation of , “*wherein the signature trace is normalized so that the total time taken to produce the signature trace is 1...*” Support for the amendment may be found throughout the application, but may be found by example in paragraph [0024]. The

Applicants assert that Plamondon or Hu, or the combination, additionally fails to disclose at least the present amendments.

Further, although the Applicants do not concede that the motivation to combine Hu and Plamondon is proper, even if there can be found a motivation to combine Hu and Plamondon, the combination of Hu and Plamondon still fails to render the claims obvious. Therefore, the combination of Hu with Plamondon fails to disclose all recitations of claims 1, 17, 33, 38, 43, and 48, and thus, fails to render the claims obvious.

The Applicants assert that at least for the reasons discussed above, the combination of Hu and Plamondon fails to render claims 1, 17, 33, 38, 43 and 48 obvious. The Applicants request that the Office reconsider and withdraw the rejections to the claims.

Dependent Claim 15, 23, 31, 37, 42, 47 and 51

The Office alleges that Plamondon discloses the recitation of claims 15, 23, 31, 37, 42, 47 and 51, "...training the system to refine the verification criteria...." The Applicants respectfully traverse. The portion of Plamondon relied upon by the Office discusses the establishment, not refinement as recited in claims 15, 23, 31, 37, 42, 47 and 51, of threshold values. (Plamondon: col. 20, line 59 – col. 21, line 67, "To determine the personalized threshold values, more than one reference signatures are acquired..."). Claims 15, 23, 31, 37, 42, 47 and 51 recites that the training means refines the verification criteria. As best understood, Plamondon is disclosing the initial establishment of that criteria. Plamondon thus fails to disclose the recitations of claim 15. The Applicants respectfully request that the Office reconsider and withdraw the rejection to claims 15, 23, 31, 37, 42, 47 and 51.

Dependent claims 8-11, 24-27, and 52-54

The Office alleges that it would have been obvious at the time of the invention to modify Plamondon and Hu with Young to "increase the dynamics and functionality of the authentication system with the addition [of] another biometric feature." The Office's motivation is a conclusory statement without any explicit analysis performed. The Office, in error, cites no portions of any references or any facts or information outside of the references that provide support for the motivation. Thus, the Office erred by stating a conclusory

DOCKET NO.: **03-0005/0595USAP135730
Application No.: 10/500,854
Office Action Dated: June 16, 2008

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

opinion without providing an explicit analysis. Therefore, the motivation to combine is in error.

NEW CLAIM

Claim 55 has been added to the present application. The Applicants respectfully request that the Office enter the newly added claim. The Applicants assert that, for at least the reasons discussed above, claim 55 is allowable.

DOCKET NO.: **03-0005/0595USAP135730
Application No.: 10/500,854
Office Action Dated: June 16, 2008

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

CONCLUSION

By the amendments and remarks provided herein, the Applicant respectfully submits that the Office Action mailed June 16, 2008 has been traversed and that the application is in condition for allowance.

Date: September 16, 2008

/Robert A. Madayag/

Robert A. Madayag
Registration No. 57,355

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439